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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/778,527	02/07/2001	Hideo Morimoto	11A 3067	3179

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EXAMINER

NGUYEN, CHANH DUY

ART UNIT	PAPER NUMBER
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2675

DATE MAILED: 10/01/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/778,527

Applicant(s)

MORIMOTO ET AL

Examiner

Chanh Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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5. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art (Figure 7) or Kaneo (U.S. Patent NO. 6,356,257) in view of Bertis (U.S. Patent No. 6,271,830) or Sato (U.S. Patent No. 6,344,618).

As to claim 1, Applicant's admitted prior art discloses a capacitance type including a substrate (90), a group of fixed electrodes (Dx, Dy, Dz) provided on an upper face of the substrate (90), a movable electrode plate (D) having an electrode on a lower face thereof (conductive rubber; see page 1, lines 12-15 of the specification), a gap provided between the group of fixed electrodes (Dx, Dy, Dz) on the substrate (90) and the electrode (conductive rubber) on the movable electrode plate (D) (see page 1, last paragraph of the specification). Applicant admitted prior art teaches the gap being formed with layer (94) provided on the substrate, but does not mention term solder as recited in claim 1 or the term conductive elastomer layer as recited in claim 7. Kaneo's device is similar to the device of applicant's admitted prior art which discloses all the limitations recited in claim 1 with exception of describing the term solder recited in claim 1 and a conductive elastomer layer as recited in claim 2. The limitation solder recited in claim 1 broadly reads on the a copper clad formed between fixed electrode (314) and movable electrode (302); see column 6, line 66 through column 7, line 4. The claimed solder is so broad that it even can read on portion (94) taught by Applicant admitted prior art. Sato's device is similar to Bertis which teaches conductive layer of elastomer (45A) formed between fixed electrodes (31, 33, 34) and movable electrode (47) as recited in claim 2. Therefore, it would have been obvious to one of ordinary skill in the art at the invention was made to have substituted a solder layer as taught by Bertis or

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Sato to the portion (94) of the prior art admitted by applicant so as to simplify a variety of operating functions as the same time with reduction in size, thickness and weight; see column 16, lines 31-35 of Sato.

As to claim 2, this claim differs from claim 1 only in that the term solder recited in claim 1 is changed to the term conductive elastomer layer or conductive paint layer. These limitations are taught by either Bertis or Sato. For example, the limitation conductive layer reads on the etched copper clad with a solder mask as taught by Bertis (see column 6, line 66 through column 7, line 4). The limitation a conductive elastomer reads on a thin resilient metal sheet (45) as taught by Sato (see column 7, lines 15-16).

As to dependent claims 3 and 4, these claims are met by applicant's admitted prior art or Kaneo and Bertis or Sato. For example, prior art admitted by applicant teaches a movable conductive rubber plate (i.e. silicon rubber 92 integrated with movable electrode plate D) as broad claim.

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chanh Nguyen whose telephone number is (703) 308-6603.

If attempts to reach the examiner by telephone are unsuccessful, the examiner supervisor, Steven Saras can be reached at 305-9720.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121

Crystal Drive, Arlington, VA, Sixth Floor (Receptionist)

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.



C. Nguyen
September 29, 2002



CHANH NGUYEN
PRIMARY EXAMINER